

THIRTEENTH DAY

(Wednesday, July 15, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"So teach us, our Father, to number our days, that we may apply our hearts unto wisdom. Forgive us for our mis-spent time, talents, and Thy love. Make us aware that it is in Thee, and Thee alone, that we are to find life worth living, and death worth dying. In Thy name we pray. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Concurrent Resolution 10

Senator Hazlewood offered the following resolution:

S. C. R. No. 10, Suspending the Joint Rules to consider S. B. No. 33 at any time.

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that joint rules of both Houses be suspended and they are hereby suspended to allow the House and the Senate to take up S. B. No. 33 at any time.

The resolution was read.

On motion of Senator Hazlewood and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 11

Senator Owen offered the following resolution:

S. C. R. No. 11, Suspending Joint Rules to consider H. B. No. 39 at any time.

Be it resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Senate and the House be suspended in order to allow either House to consider House Bill No. 39 at any time.

The resolution was read.

On motion of Senator Owen and by unanimous consent the resolution was considered immediately and was adopted.

Conference Committee on House Bill 18

Senator Lane called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 18 and moved that the request be granted.

The President then recognized Senator Hardeman and he addressed the Senate as follows:

Mr. President and Members of the Senate:

I rise in support of the motion of the Senator from Shelby, just made, to grant the request of the House of Representatives for the appointment of a new conference committee to adjust the differences between the House and Senate on House Bill 18.

In so doing, I should like to briefly review some pertinent facts—not fiction or speculation—relating to the overall tax situation developed in the Regular Session and in the First Called Session and thus far in the current Session.

It is without any rancor or bitterness toward, or criticism of, any other branch of the Legislature or of any member thereof. I have been a member of the other branch of the Legislature and can appreciate its problems.

It is fundamental that all bills for raising revenue shall originate in the House. In compliance with this constitutional mandate the House originated House Bill 727 which reached the Senate on April 28—about three and a half months after the conven-

ing of the Legislature. Obviously, this left insufficient time for the Senate to give due consideration to the measure prior to sine die adjournment, previously set, despite the dispatch with which it acted. Incidentally, and I emphasize that this bill provided for only about \$70,000,000—far, far short of the estimated need for the increased expenditures of the biennium and only slightly more than the deficit of \$65,000,000 estimated by the Comptroller as of September 1, 1959—the beginning of the next fiscal year. Please bear this in mind as the principle will recur as this talk continues.

Following adjournment of the Regular Session, the First Called Session was convened and House Bill 7 was introduced and passed by the House and was received in the Senate on June 1—thereby leaving a couple of weeks of such Session for Senate action.

Extensive hearings were begun on June 3 and continued through morning, afternoon and night sessions, through June 5. Some fifty or sixty witnesses, representing the various items and industries included in the House bill, presented public testimony thereon.

Now bear in mind that this bill when it passed the House and came to the Senate was likewise short, by many millions, of the amount needed to retire the deficit and provide for financing the ensuing biennium appropriations. Thus, it remained for the Senate to rework the House Bill and add sufficient items or increase rates to provide the required money. Mark it, the House Bills (727 and 7) were each short, as a fact, and the Senate discharged its duty by submitting a bill, on schedule, to provide for \$177,066,000 which, with the so-called bookkeeping bill designed to add \$28,000,000 to the total, would have provided sufficient funds for all purposes.

(The Senate conferees have consistently opposed a piece-meal bill, that is, to finance only the deficit and, perhaps, one year of the biennium. Nothing could be accomplished constructively by such a maneuver. This would certainly require another Special Session.)

Following the main committee hearings, the bill was referred to a subcommittee on motion of the Senator from Hill and specifically design-

ating the Chairman of the State Affairs Committee as one of the members, to report back the following Monday morning (June 8) by nine o'clock. This schedule was met without delay. The Senate passed the Committee Substitute for House Bill 7, on motion of the Senator from Travis, by a vote of 19 to 12. The House refused to concur and asked for a conference committee, which request was immediately granted. Some seventeen meetings with House conferees followed between June 11 and June 16. At approximately 5:30 p.m. in the evening of the 16th, three of the House conferees agreed to sign the report which was approved unanimously by the Senate conferees.

The services of the Legislative Council, the Attorney General's Department, the Comptroller's Office—the secretarial help of some members of the Senate were utilized without regard to their personal conveniences and, with the prior preparation of various provisions of agreement, were able to finally get the report assembled and distributed by about ten o'clock on the night of June 16.

True, this did not leave a great deal of time for consideration, but the House had the same amount of time remaining as the Senate. No advantage existed in either body as to the time element.

No particular purpose would be served by reviewing generally, the meetings of the Conferees on House Bill 7. In fairness, however, to the Senate Conferees, and with no disparagement of the House Conferees, let me state, as a fact, that the Senate Conferees voted, without hesitation, on all issues raised and at the time they were presented, while the House Conferees, generally, declined to vote finally until the last meeting of the group. I think this statement does no violence to the facts and no criticism is intended.

I should like, Mr. President, to say that all of the meetings of these conferees were conducted in a courteous, gentlemanly and considerate manner, as they should have been.

With the completion of the report, it was presented to the Senate and, following an explanation, it was adopted by a vote of 19 to 12. This, together with the bookkeeping bill, I repeat, provided the new or additional revenue needed to meet an appropriation bill of approximately \$315,-

000,000. The House rejected the report, thus necessitating the convening of a Second Called Session of the Fifty-sixth Legislature.

Thereupon such Session convened on June 17 and several bills were introduced in the House designed to raise revenue for the State government, pursuant to the constitutional mandate earlier mentioned. Finally, on July 2, House Bill 18, providing for only a little more than one-half of the estimated needed revenue reached the Senate. The items and amounts therein, of course, speak for themselves, the latter being some \$106,000,000—far, far short of the required sum needed under the Governor's estimate.

With "all deliberate speed" the bill (House Bill 18) was referred to the State Affairs Committee which almost immediately held a meeting at the "press table," and a substitute providing for over \$177,000,000 was offered by Senator Lane. (This substitute contained the same provisions as the Conference Committee Report on House Bill 7 of the First Called Session, thus obviating the necessity of further public hearings).

The substitute proposal was adopted by the State Affairs Committee and reported back to the Senate with favorable recommendation.

The Senate, which had stood at ease, subject to call, to enable the Committee to meet, upon reconvening promptly passed the bill.

Bear in mind this was accomplished on the day and virtually within the hour in which the inadequate House Bill 18 was received from the House. It was returned to the House which refused to concur and a conference committee was requested. This was granted and the appointed Conferees met, beginning at 8:30 on the morning of July 3, when both Houses of the Legislature were in adjournment over the holiday weekend. The Conferees spent several hours in conference on that date, followed by both morning and afternoon sessions on July 4th and again on Sunday afternoon and so on until July 9.

These meetings likewise were conducted in a courteous and considerate manner, despite marked disagreement on various proposals. Certainly there was yielding on both sides, some of which was indeed painful to me, personally. I am sure this was true as

to the others, perhaps, on different items.

But, this Committee did agree unanimously to recommend passage of its report.

Now, I call to your attention that in order to effect a compromise, the Senate Conferees, at my persistent urging, yielded to the inclusion of the recodification of the tax laws incorporated in House Bill 18 as it passed the House. The opposition which I myself, has previously voiced to this feature was based on the time element in view of the highly technical provisions entailed therein.

I favored the principle of recodification as a needed service and convenience to the lawyers and accountants, as well as citizens of the State in general and my only concern, as I said, was the time factor.

I finally yielded, after assurance from the Legislative Council that in cooperation with the Comptroller, the Attorney General and the Research League, that in view of the extensive past work on recodification, that they might be able to prepare and compile a bill carrying this feature. I am told that through this method, administration and collection provisions will be improved resulting in additional revenue from existing tax levies.

You will note that the conference report of July 9 contains an item of \$4,000,000 estimated to be derived from better enforcement provisions. This fact swung the deal for recodification, complicated though it may be.

Also, and this is important, some fifteen items out of House Bill 18 heretofore approved by the House at one time or another were included and such highly controversial proposals as a general sales and severance beneficiary taxes, both of which had been rejected in the House, were eliminated in order to effect the compromise.

This conference report was finally drafted and compiled through the virtual unceasing and untiring efforts and cooperation of the aforesaid agencies and their faithful and efficient employees. I can not say too much for their contributions and personal sacrifices. I saw the girls standing long hours in their stocking feet in the effort to expedite the preparation of the report.

Upon its completion and in due course, the Senate adopted the report on July 10 by a vote of 24 to 7—more

than enough to put the bill into immediate effect and thus gain the advantage of immediate income.

Mark it well, this bill also would have provided \$182,367,000 — an amount sufficient when taken with the aforesaid bookkeeping bill to do the job facing us. The House rejected this report on July 11 and asked for another conference committee. Since the Senate had adjourned on July 10 until July 13, this request could not immediately be acted upon.

It is my understanding that on the 13th the House moved to reconsider its vote on the question of adoption or rejection of the report, thereby, apparently, keeping the report alive. In view of this the Senate, properly, took no action. This is our first action in the Senate on the House's request, and I hope it will be accorded.

I want to emphasize the matter presented by Senator Lane that, perhaps, some minor changes might be made but any major alterations would physically and actually preclude the rewriting of the bill. Note that the conference report on House Bill 7 to provide sufficient copies for the members required the writing and cutting stencils and assembling of some 21,000 pages. Now the conference report of House Bill 18, because of the added features to include the House proposals, ran it to 166 pages of single spacing for a total of 41,500 pages to provide each member the copy to which each is entitled.

I repeat my commendation of the conferees on House Bill 18. All members signed and without either recourse or reluctance. There was no equivocating.

I am confident of the ability of the Senate conferees to work agreeably and amicably with any group of conferees from the House. Of those presently named, I will say that Representative Sadler and I have long been personal friends. I supported him for Railroad Commissioner in 1938 and the intervening years have not abated the personal regard and friendship begun twenty-one years ago. This does not mean that there has been no disagreements between us. Such were resolved without being disagreeable. I can and will work with him if I am appointed as a conferee. I know Representative Hinson and Representative Chapman because of prior service in the House. I do not

know either of the other members but I can and will work with any reasonable individuals or groups.

With these remarks, recounting as I said, the facts as I recall them, I urge the adoption of the motion by the Senator from Shelby and thank you for your indulgence.

(Note—the following SUPPLEMENTAL STATEMENT relative to the subsequent action by the Senate during the remainder of the Second Called Session of the 56th Legislature on H. B. No. 18 was made by Senator Hardeman on Friday, July 24, 1959, during the Third Called Session of the 56th Legislature and is printed here to complete the record on the bill.)

My remarks, above printed, were made shortly after the Senate convened at 10:30 o'clock a.m. on July 15th, in support of the Lane motion to grant the request of the House for appointment of a Conference Committee on H. B. No. 18—the taxation bill then pending—which motion was adopted. Thereupon the Senate conferees were named and a meeting with the House conferees was held in a very short while. Intermittently, throughout the rest of the day and part of the night, the conferees met and finally agreed with three House members and all Senate conferees signing a report providing adequate revenue for the State's financial requirements provided the report should be adopted by a two-thirds vote of the elected members in each House.

Physical preparation of the bill or report consumed the greater portion of the night by the loyal staff of the Legislative Council, Mr. Kimbro of the Comptroller's office and representatives of the Attorney General's department, as well as some of the secretaries in various Senator's offices who gladly assisted in the typing and assembling of the 158 page bill—for a total of 39,500 pages—to provide the required copies for distribution.

Upon its convening the following morning at 10:00 o'clock the Senate adopted this conference report by a vote of 24 to 6—once again demonstrating its desire to resolve the State's fiscal problem for the fourth time.

The House of Representatives, as on three prior occasions, rejected the report.

About mid-afternoon of the last day of the Second Called Session the

House requested the appointment of another Conference Committee, to which request the Senate promptly acceded. This committee met immediately and after considerable discussion—all of which was amicable—it was unanimously agreed that shortage of time would preclude the preparation and assembly of a report. Consequently and pursuant to mutual agreement the Senator from Guadalupe—Chairman of the Senate Conferees—reported to the Senate at 5:00 o'clock p.m., of July 16th that although the prospects were bright if the committee had sufficient time to complete its negotiations, but the time was too short (less than 7 hours remaining) to complete the physical work necessary to prepare the bill for submission before midnight adjournment and requested the discharge of the Conference Committee.

That motion prevailed and the Senate stood at ease for the next three hours until 8:00 o'clock that evening. Shortly thereafter another message was received from the House requesting the appointment of, yet, another, Conference Committee on H. B. 18.

As formerly, the Senate willingly granted this request and the conferees immediately met despite the "deadline" less than three hours hence. (Incidentally, the House conferees were the same as those who agreed on a report on July 9 and all of whom signed it and which, although providing for sufficient funds for the financial crisis, was rejected by the House, despite its adoption by the Senate by the vote of 24 to 7.)

Well, this group, with one or two changes unanimously submitted a last report which the Senate adopted by a vote of 21 to 9—thus making it the fifth bill passed by the Senate in response to its duty to the people of Texas.

Let it not be soon forgotten, despite false rumors and reports to the contrary, that not a single bill passed by the House in any session of the 56th Legislature and received in the Senate provided the necessary anticipated revenue to resolve the State's fiscal needs, while each of the bills, without exception, passed by the Senate would have raised the necessary funds, assuming the House passed the same by the Constitutional vote required to make it effective immediately.

Also it well should be borne in

mind, as a statement of fact, that the House itself, (H. J. p. 314-320, 2nd C. S., June 30, 1959) rejected the inclusion of the so-called Severance Beneficiary Tax on natural gas and in fact, H. B. 18 contained no tax whatsoever on natural gas.

Be it remembered that the Senate conferees insisted at each conference on an increase in the constitutional production tax on natural gas of 1%—from the present rate of 7% to 8% of market value—actually being about a 14% increase.

Mr. President, and Members of the Senate, I believe that the foregoing statements correctly reflect the record as made by this Body in connection with the tax bills which have been considered.

Certainly, the record clearly points out that the Senate has ever been willing to work with the conferees of the House, regardless of whom they may have been, and with all respect, in an effort to provide adequate funds for the operation of the State government and to bring about a quick adjournment of the Legislative Sessions.

The motion to grant the request of the House for a Conference Committee on H. B. No. 18 prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill:

Senators Weinert, Chairman, Hardeman, Lane, Phillips and Reagan.

Remarks of Senator Hardeman Ordered Printed in Journal

On motion of Senator Dies and by unanimous consent Senator Hardeman was requested to reduce his remarks made this morning relative to the Tax Bills in the Senate during the Regular Session, the First Called Session and the Second Called Session of the 56th Legislature to writing and that the remarks be printed in the Journal.

Message from the House

Hall of the House of Representatives
Austin, Texas,

July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

H. B. No. 47, A bill to be entitled "An Act authorizing the Commissioners Court of Pecos, Upton, Crockett, and Sutton counties to pay the District Judge having jurisdiction therein compensation in addition to the compensation paid by the State of Texas; repealing all laws in conflict; and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act to authorize the commissioners court of Taylor County to purchase, build, construct, and equip buildings and other permanent improvements to be used as a coliseum and auditorium; authorizing the issuance of negotiable bonds for such purpose and the levy and collection of taxes for the payment thereof; and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act to amend the Insurance Code to include a new Chapter 7 so as to provide that all public officers of this state and all Executors, Administrators, Guardians, Receivers, and Trustees appointed by any court, whose bonds have been executed by a corporate surety, shall be subject to suit in the proper court of the county wherein said bond is filed; and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Enabling Act for the creation of county traffic courts with original and appellate jurisdiction in certain traffic cases; prescribing the organization, jurisdiction and procedure of such courts; and conforming the jurisdiction and procedure of other courts thereto; repealing all laws in conflict herewith and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act authorizing and empowering the commissioners courts in all counties of this state having a population of eight hundred thousand (800,000) or more inhabitants, according to the last preceding Federal Census, to set and approve official bonds of all elected district, county and precinct officers in any amount not less than Five Thousand Dollars (\$5,000.00), which the commissioners court may deem best for the public interest, and commensurate with the duties and responsibilities of each district, county and precinct official; providing that the county judge shall set and ap-

prove the bond for each member of the commissioners court, of not less than Five Thousand Dollars (\$5,000.00); providing that the commissioners court in its discretion may at any time require any district, county and precinct official to make a new bond or give additional security; provided that the premiums on said district, county and precinct officers' bond, including those of their deputies, shall be paid out of the general funds of the county; and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act to amend the "Water Safety Act," H. B. No. 11, Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, to make Certificates of Number valid for a three year period; and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act establishing a Juvenile Board in Hutchinson County; prescribing the membership and powers of the board; authorizing the board to appoint a juvenile officer and one or two assistant officers; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act declaring an open season on collared peccary or javelina in Kerr County, Texas; making it unlawful to possess collared peccary or javelina for the purpose of barter or sale, or to sell same; providing penalties for violations; and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act amending Section 5 of Chapter 36, Acts of the 53rd Legislature, 1953, compiled as Article 326k-22 of Vernon's Revised Civil Statutes of Texas, authorizing an increase in the number of assistants, stenographers, and clerks in the office of the Criminal District Attorney of Smith County, Texas; providing for the method of their appointment, salaries, and duties; providing for the appointment of an investigator; prescribing the duties, salary, bonding, and payment of expenses of such investigator; providing a savings clause; repealing all laws in conflict to the extent of such conflict; and declaring an emergency."

S. B. No. 10, A bill to be entitled

"An Act amending Section 6, Senate Bill 222, Fifty-fifth Legislature, Regular Session, providing for the removal of offices, and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act Amending Sec. 2 of Senate Bill 129, Chapter 116, Acts of the 56th Legislature, Regular Session (codified as Article 2367a, Vernon's Annotated Civil Statutes), to provide that the requirements thereof shall not apply to the bidding for treasurer of an independent school district, and declaring an emergency."

S. B. No. 34, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the Counties of Hansford and Ochiltree, to be known as 'Palo Duro River Authority of Texas,' for the purpose of providing a source of water supply for municipal, agricultural, irrigation, livestock raising, domestic, industrial, oil field flooding and mining uses, and processing and transporting the same; providing for a Board of Directors to govern said Authority; etc.; and declaring an emergency."

S. B. No. 45, An Act amending Chapter 518, Acts of the Regular Session of the 54th Legislature (Vernon's Texas Civil Statutes, Article 8280-188) to facilitate the issuance of revenue bonds by Trinity River Authority of Texas; enacting other provisions related to the subject; and declaring an emergency.

S. B. No. 11, A bill to be entitled "An Act to authorize the North Bosque Water Control and Improvement District to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from floodwater retarding structures and dams in the District constructed by the District; providing maximum amount of assessment, and when assessment may not be levied; providing purposes for which moneys derived from such assessments may be used, and their accounting; providing designation of lands benefited and amount of benefits; providing assessment lists; providing collection of assessments; providing appeals from assessments levied; providing access to lands for de-

termination of benefits; providing that assessments shall be lien on lands benefited and personal liability of owners of land; providing a Permanent Reserve Fund and its investment; providing that all laws not in conflict herewith shall remain in force, and repealing all laws in conflict with this Act, providing validation of the District; providing for severability; and declaring an emergency."

(With amendment.)

S. B. No. 35, A bill to be entitled "An Act setting a bag limit on wild turkey in Kerr County; providing penalties for violations; and declaring an emergency."

S. B. No. 12, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution, comprising certain territory within the state to be known as 'Williamson County Water Supply District'; prohibiting the levy and collection of any form of tax; providing for the organization, government and operation of the District; providing for the incurring of obligations and the methods of paying such obligations; providing for other powers; providing for certain limitations on the power of eminent domain; making applicable to the District the general laws relating to water control and improvement districts; and enacting other provisions relating to the subject; providing a savings clause; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act to further amend Chapter 78, Acts of the Regular Session of the 53rd Legislature (Vernon's Texas Statutes Article 8280-147) creating Northeast Texas Municipal Water District, and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 48 on Third Reading

The President laid before the Senate on its third reading and final passage the following bill:

H. B. No. 48, An Act relating to the requirement of consent of parent or guardian of certain parties before said parties may marry or a marriage license be issued to them and relat-

ing further to the issuance of marriage license by the County Clerk after a prescribed period of three (3) days from the date of the filing of the application; etc.; and declaring an emergency.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Krueger and Moffett asked to be recorded as voting "Nay" on the final passage of H. B. No. 48.

(Senator Aikin in the Chair.)

Senate Resolution 72

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Ugo Babini of Ravenna, Italy, and Orlando Spinoni, Crema, Italy; and

Whereas, we desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

GONZALEZ
WOOD

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Resolution 73

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Vocational Agriculture Class of Roby High School, Roby, Texas, accompanied by their teacher, Jimmie Laurie; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demon-

strating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Ratliff by unanimous consent presented the Class and Teacher to the Members of the Senate.

Bill Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 2, A bill to be entitled "An Act amending House Bill No. 876, Chapter 395, Page 734, Acts of the 51st Legislature of Texas, Regular Session, now contained in the Civil Statutes of Texas Article 2745b; fixing the date of all school elections in counties having a population of 500,000 or more according to the last preceding Federal Census; providing an effective date; and declaring an emergency."

Senate Resolution 74

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the FFA members from Boling High School and Louise High School, Wharton County, Texas, with their sponsors, Mr. A. C. Lemons and Mr. Jno. H. Monroe; and

Whereas, These FFA members of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these

FFA members a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. C. R. No. 9 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 58 by viva voce vote.

S. C. R. No. 9, Congratulating John Nance Garner on approaching his ninety-first birthday.

S. C. R. No. 11, Suspending the Joint Rules so that either House may consider House Bill No. 39 at any time.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 75

Senator Baker offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Leonard Dahlquist of Baytown, Texas, and their children; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Baker by unanimous consent presented the guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 23, Suspending the Joint Rules so that either House may take up and consider House Bill No. 60 at any time.

H. C. R. No. 27, Suspending the Joint Rules so that either House may take up and consider Senate Bill No. 32 at any time.

H. C. R. No. 28, Suspending the Joint Rules so that either House may take up and consider House Bill No. 81 at any time.

H. C. R. No. 29, Suspending the Joint Rules so that either House may take up and consider House Bill No. 69 at any time.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 76

Senator Lane offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate F.F.A. boys of Hallsville High School of Harrison County, accompanied by their teacher, Mr. Hubert Kyser; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Lane by unanimous consent presented the guests to the Members of the Senate.

(President in the Chair.)

House Bill 36 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 36, An Act relating to entering of enclosed lands of another without consent, and hunting, fishing, camping, encroaching or damaging thereon and relating to entering lands that surround other land either wholly or partially without consent and hunting, fishing, camping, encroaching or damaging thereon; providing for proof of ownership; fixing a penalty; making certain provisions relative to prosecution under the Act; repealing Article 1377, Revised Penal Code of 1925; as amended; exempting lands leased or owned by the Federal Government; making other provisions relative thereto; providing a severability clause; and declaring an emergency.

The bill was read the second time.

Senator Dies raised the point of order that H. B. No. 36 did not come within the subjects submitted by the Governor for consideration at the Second Called Session of the 56th Legislature.

The President overruled the point of order.

(Pending discussion by Senator Dies of H. B. No. 36, Senator Aikin occupied the Chair.)

(Senator Martin in the Chair.)

Senator Roberts offered the following amendment to the bill:

Amend H. B. 36 by striking the last three words in Section 1, paragraph (d) and changing the comma after the word "island" to a period.

The amendment was adopted.

(Senator Aikin in the Chair.)

Senator Dies offered the following amendment to the bill:

Amend H. B. 36 by adding to Section 2 b 1 the following:

"in the event the owner of the surrounded land shall not have a survey of his claim and should the owner of the surrounding land demand the boundaries of the surrounded land, then the expense of surveying the

surrounded land shall be born and paid by the owner of the surrounding land demanding the same."

The amendment was read.

Senator Fly moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—10

Crump	Moffett
Fly	Reagan
Hardeman	Rogers
Kazen	Weinert
Lane	Willis

Nays—19

Aikin	Moore
Baker	Owen
Bradshaw	Parkhouse
Colson	Phillips
Dies	Ratliff
Gonzalez	Roberts
Herring	Secrest
Hudson	Smith
Krueger	Wood
Martin	

Absent

Fuller	Hazlewood
--------	-----------

Question recurring on the amendment by Senator Dies, the amendment was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the amendment by Senator Dies.

Question—Shall H. B. No. 36 be passed to third reading?

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 47, to Committee on Counties, Cities and Towns.

H. N. No. 65, to Committee on Cities and Towns.

H. B. No. 79, to Committee on Counties Cities and Towns.

H. B. No. 69, to Committee on Counties, Cities and Towns.

H. B. No. 60, to Committee on Counties, Cities and Towns.

H. B. No. 76, to Committee on Counties, Cities and Towns.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 24, Suspending the joint rules so that either house may take up and consider Senate Bill No. 40 and House Bill No. 43 at any time.

H. C. R. No. 26, Suspending the Joint Rules in order to allow either House to consider House Bill No. 68 at any time.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 65, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Bill 65 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent H. B. No. 65 was ordered not printed.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 47, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 47 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 47 was ordered not printed.

House Concurrent Resolution 27 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 27, Suspending Joint Rules to consider S. B. No. 32 at any time.

The resolution was read and was adopted.

Motion to Place

H. C. R. No. 26 on Second Reading

Senator Baker asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 26 for consideration at this time.

There was objection.

Recess

On motion of Senator Hardeman the Senate at 12:12 o'clock p.m. took recess until 3:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 3:00 o'clock p.m. today.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 80, to the Committee on State Affairs.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 60, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 76, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 69, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 79, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

**House Bills 60, 79 and 76
Ordered Not Printed**

On motion of Senator Parkhouse and by unanimous consent H. B. No. 60, 79 and 76 were ordered not printed.

House Bill 69 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 69 was ordered not printed.

(Senator Aikin in the Chair.)

House Bill 65 on Second Reading

Senator Hazlewood moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 65 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Hardeman

Absent

Smith

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 65, A bill to be entitled "An Act establishing a Juvenile Board in Hutchinson County; prescribing the membership and powers of the board; authorizing the board to appoint a juvenile officer and one or two assistant officers; prescribing the powers and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

The bill was read the second time and was passed to third reading.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. B. No. 65 to third reading.

House Bill 65 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 65 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of H. B. No. 65.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 6, A bill to be entitled "An Act relating to tuition and fees at State-supported institutions of higher education; amending Chapter 237, Acts of the Fortieth Legislature, 1927 (compiled as Article 2654a of Vernon's Civil Statutes of Texas; authorizing the governing boards of State educational institutions to make and collect laboratory charges, and 'breakage' or loss deposits; defining State educational institutions; defining and authorizing student service fees to be collected from students enrolled in such institutions; regulating the custody and expenditure of moneys collected through student service fees; amending Section 1 of Chapter 6, Acts of the Forty-third Legislature, First Called Session, 1933 (compiled as Section 1 of Article 2654b-1 of Vernon's Civil Statutes of Texas), relating to exemptions from the payment of fees and charges; providing an effective date; providing for severability; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 11 with House Amendments

Senator Martin called S. B. No. 11 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

House Bill 36 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 36 on its second reading and passage to third reading (the bill having been read the second time this morning).

Question—Shall H. B. No. 36 be passed to third reading?

Senator Dies offered the following amendment to the bill:

Amend H. B. 36, Section 1 d by deleting the sentence "proof of ownership and lease of such enclosed lands shall be made by deed, lease, or other written evidence" and substituting therefor the following:

"proof of ownership or lease of such enclosed lands shall be made as in trespass to try title suits."

The amendment was read.

Senator Kazen moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Crump	Moore
Fly	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Weinert
Kazen	Willis
Lane	

Nays—17

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Dies	Roberts
Gonzalez	Secrest
Herring	Smith
Hudson	Wood
Krueger	

Absent

Phillips

Question recurring on the amendment by Senator Dies, the amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend H. B. No. 36 by adding a new section to be appropriately numbered to read as follows:

"A person who claims the right to use land which wholly or partially surrounds land owned by another person shall not enter or attempt to enter upon the land so surrounded without the consent of the owner, proprietor, lessee or person in charge of such land so surrounded."

The amendment was read.

Senator Kazen moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Aikin	Krueger
Crump	Lane
Fly	Moore
Hardeman	Ratliff
Kazen	Reagan

Rogers
Weinert

Willis

Nays—16

Baker	Martin
Bradshaw	Moffett
Colson	Owen
Dies	Parkhouse
Gonzalez	Phillips
Hazlewood	Roberts
Herring	Secrest
Hudson	Wood

Absent

Fuller Smith

Question recurring on the amendment by Senator Owen, the amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 36 by striking out Section 7, and by renumbering the other sections.

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 36, Section 2(a), Subsection 3 by striking out the same and substituting the following therefor:

"Camp or attempt to camp on such land or in any manner deplete up on the same."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 36 by striking the last four words of Section 4.

The amendment was read.

On motion of Senator Fly the amendment was tabled.

Senator Martin offered the following amendment to the bill:

Amend H. B. 36, Section 4, by striking out the words "or any State Game Warden."

The amendment was read.

Question on adoption of the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—16

Aikin	Colson
Bradshaw	Dies

Fly	Parkhouse
Hardeman	Phillips
Herring	Ratliff
Hudson	Roberts
Martin	Secrest
Owen	Smith

Nays—14

Baker	Moffett
Crump	Moore
Fuller	Reagan
Gonzalez	Rogers
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Hazlewood

Senator Baker offered the following amendment to the bill:

Amend H. B. No. 36 by adding a new section to be known as Sec. 6a.

Be it provided further that nothing in this act shall be construed as in any way affecting the public's rights of ingress and egress to the beaches bordering on the seaward shore of the Gulf of Mexico.

The amendment was read.

Senator Kazen raised the point of order that the amendment by Senator Baker was not germane to the caption of the bill.

The Presiding Officer (Senator Aikin in the Chair) sustained the point of order.

On motion of Senator Kazen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Votes

Senators Dies and Parkhouse asked to be recorded as voting "Nay" on the passage of H. B. No. 36 to third reading.

House Bill 36 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moore
Bradshaw	Owen
Crump	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Moffett	Wood

Nays—6

Baker	Herring
Colson	Martin
Dies	Parkhouse

Absent

Hazlewood

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Dies and Parkhouse asked to be recorded as voting "Nay" on the final passage of H. B. No. 36.

Senate Resolution 77

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the FFA Chapter from Jayton, Texas, accompanied by their teacher, P. D. Allen; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

House Concurrent Resolution 29 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 29, Suspending the Joint Rules so that either House may take up and consider House Bill No. 69 at any time.

The resolution was read and was adopted.

Senate Resolution 78

Senator Bradshaw offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. C. N. Merrell, Larry Boyd, local President of Future Farmers, William McMinn and Mike Adkins, all of Mineral Wells, Texas, attending the State F.F.A. Convention; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Resolution 79

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Henry G. Barber and Mr. Lloyd Cook of Floydada; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented the guests to the Members of the Senate.

House Bill on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 62, To the Committee on Counties, Cities and Towns.

H. B. No. 73, To the Committee on Game and Fish.

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 73, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senate Resolution 80

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. M. E. Waldrep, his son Dickie Waldrep and daughter, Joanne Waldrep, of Clarksville, Texas, and Norma Lynn and Neal Waldrep of Austin; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

ROBERTS
AIKIN

The resolution was read and was adopted.

House Concurrent Resolution 28 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 28, Suspending the Joint Rules so that either House may take up and consider H. B. No. 81 at any time.

The resolution was read and was adopted.

Presentation of Guests

Senator Roberts by unanimous con-

sent presented members of the FFA Chapter of Plano and instructor, L. W. Cason, to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 28, A bill to be entitled "An Act amending House Bill No. 133, Acts of the 55th Legislature, Regular Session, 1957, by providing for a transfer of funds from one appropriation item to another for which moneys were appropriated to the Board of Barber Examiners from the Board of Examiners Fund, and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 73 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 73 was ordered not printed.

House Concurrent Resolution 19 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. 19, Suspending Joint Rules so that either House may take up and consider H. B. No. 58 and H. B. No. 61 at any time.

The resolution was read and was adopted.

House Bill 50 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 50, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid District Judges from County Funds by counties which now have, or may hereafter have, a population of six

hundred thousand or more, according to the last preceding Federal Census, and having eight or more Civil District Courts, three Criminal District Courts, and at least one Court of Domestic Relations and at least one Juvenile Court, providing the time and method of payment, authorizing amendment of the budget, providing for the compensation of substitute Judges; and declaring an emergency."

The bill was read second time and passed to third reading.

(President in the Chair.)

House Bill 50 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 50 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Baker	Owen
Bradshaw	Parkhouse
Colson	Phillips
Dies	Ratliff
Gonzalez	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	Wood

Nays—1

Crump

Absent

Fly	Hazlewood
Fuller	Moore
Hardeman	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Fly
Baker	Gonzalez
Colson	Herring
Dies	Hudson

Kazen	Ratliff
Krueger	Roberts
Martin	Rogers
Moffett	Secrest
Owen	Smith
Parkhouse	Willis
Phillips	Wood

Nays—2

Bradshaw	Crump
----------	-------

Absent

Fuller	Moore
Hardeman	Reagan
Hazlewood	Weinert
Lane	

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 6, A bill to be entitled "An Act relating to tuition and fees at State-supported institutions of higher education; amending Chapter 237, Acts of the Fortieth Legislature, 1927 (compiled as Article 2654a of Vernon's Civil Statutes of Texas); authorizing the governing boards of State educational institutions to make and collect laboratory charges, and 'breakage' or loss deposits; etc.; and declaring an emergency."

House Bill 47 on Second Reading

Senator Aikin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 47 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Absent

Fuller	Moore
Hazlewood	Reagan
Martin	Weinert

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 47, A bill to be entitled "An Act authorizing the Commissioners Court of Pecos, Upton, Crockett, and Sutton counties to pay the District Judge having jurisdiction therein compensation in addition to the compensation paid by the State of Texas; repealing all laws in conflict; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 47 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 47 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Bradshaw

Absent

Fuller	Moore
--------	-------

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 62, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 62 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 62 was ordered not printed.

House Bill 73 on Second Reading

Senator Crump moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 73 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Herring

Absent

Fuller

Moore

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 73, A bill to be entitled "An Act declaring an open season on collared peccary or javelina in Kerr County, Texas; making it unlawful

to possess collared peccary or javelina for the purpose of barter or sale, or to sell same; providing penalties for violations; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 73 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 73 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Herring

Absent

Moore

Message from the House

Hall of the House of Representatives

Austin, Texas,
July 15, 1959.

Hon Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 33, A bill to be entitled "An Act amending Art. IV, House Bill No. 20, Acts of the 47th Legislature, 1941, Chap. 173, page 245 (being Article IV, Sec. 22 of Art. 6687b, Vernon's Ann. Civil Statutes of Texas, 1925, as amended), by adding a new subsection (c) under subsection (b) thereof, and providing for the manner

of appeals and the setting aside of the ruling or decision of the Department of Public Safety where driver's licenses are suspended, under certain conditions; prohibiting the taking of driver's licenses except by order of a court of competent jurisdiction; providing for appeals to be made to the county court or county court at law of the residence of the licensee; prohibiting the suspension of a license pending appeal; providing for setting aside any order of suspensions; providing for priority and the advancement of appeals on court dockets; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

(With Amendments.)

The House has concurred in Senate amendments to House Bill No. 48 by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 76 on Second Reading

Senator Parkhouse moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 76 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Parkhouse
Bradshaw	Phillips
Colson	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Moffett	Wood
Owen	

Nays—2

Herring	Martin
---------	--------

Absent

Baker	Hardeman
Crump	Hazlewood
Fly	Moore
Fuller	Willis

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 76, A bill to be entitled "An Act to amend the Insurance Code to include a new Chapter 7 so as to provide that all public officers of this state and all Executors, Administrators, Guardians, Receivers, and Trustees appointed by any court, whose bonds have been executed by a corporate surety, shall be subject to suit in the proper court of the county wherein said bond is filed; and declaring an emergency."

The bill was read the second time.

Senator Parkhouse offered the following amendment to the bill:

Amend H. B. 76, Sec. 1, by striking out the word "judiciary" between the words "any" and "proceedings" and insert the word "judicial."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 76 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 76 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—23

Aikin	Moffett
Baker	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Nays—3

Bradshaw	Martin
Herring	

Absent

Hardeman	Weinert
Lane	Wood
Moore	

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 9, Congratulating the Honorable John Nance Garner on his ninety-first birthday.

S. C. R. No. 11, Suspending the Joint Rules in order that H. B. 39 may be considered by either House at any time.

S. B. No. 10, A bill to be entitled "An Act amending Section 6, Senate Bill 222, Fifty-fifth Legislature, Regular Session, providing for the removal of offices, and declaring an emergency."

S. B. No. 12, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution, comprising certain territory within the state to be known as 'Williamson County Water Supply District'; prohibiting the levy and collection of any form of tax; etc., and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act amending Sec. 2 of Senate Bill 129, Chapter 116, Acts of the 56th Legislature, Regular Session (codified as Article 2367a, Vernon's Annotated Civil Statutes), to provide that the requirements thereof shall not apply to the bidding for treasurer of an independent school district, and declaring an emergency."

S. B. No. 34, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the Counties of Hansford and Ochiltree, to be known as 'Palo Duro River Authority of Texas,' for the purpose of providing a source of water supply for municipal, agricultural, irrigation, livestock raising, domestic, industrial, oil field flooding and mining uses, and processing and transporting the same; providing for a Board of Directors to govern said

Authority; etc.; and declaring an emergency."

S. B. No. 35, A bill to be entitled "An Act setting a bag limit on wild turkey in Kerr County; providing penalties for violations; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act to further amend Chapter 78, Acts of the Regular Session of the 53rd Legislature (Vernon's Texas Statutes Article 8280-147) creating Northeast Texas Municipal Water District, and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act amending Chapter 518, Acts of the Regular Session of the 54th Legislature (Vernon's Texas Civil Statutes Article 8280-118) to facilitate the issuance of revenue bonds by Trinity River Authority of Texas, enacting other provisions related to the subject, and declaring an emergency."

Senate Resolution 81

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Guy L. Beasley and four members of the Era, Texas, FFA; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

(Senator Martin in the Chair.)

Senate Resolution 82

Senator Phillips offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, FFA members John Womack and Ted Meuth, and their teachers Howard L. Pickle and Joe N. Folk, of West Columbia, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 83

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. R. C. Wood of Linden, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 84

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. R. J. Bolton of Caddo Mills, Mr. L. T. Bolton of Greenville, Leon Brazil of Celina and Hubert Shields of Celeste, all Vocational Agriculture teachers here with Future Farmers of America; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

AIKIN
ROBERTS

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

Senate Bill 33 with House Amendments

Senator Hazlewood called S. B. No. 33 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Hazlewood, Lane, Baker, Herring and Dies.

Senate Resolution 85

Senator Smith offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate two students of the F.F.A. Class of Crosby County, accompanied by their teacher, Harold Eades; and

Whereas, These students of today are the citizens, leaders and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Smith by unanimous consent presented the guests to the Members of the Senate.

House Bill 79 on Second Reading

Senator Parkhouse moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be

read on three several days be suspended and that H. B. No. 79 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Absent

Fuller	Weinert
--------	---------

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 79, A bill to be entitled "An Act to amend the 'Water Safety Act,' H. B. No. 11, Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, to make Certificates of Number valid for a three year period; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 79 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 79 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Hazlewood
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Gonzalez	Moffett
Hardeman	Moore

Owen	Roberts
Parkhouse	Rogers
Phillips	Secrest
Ratliff	Willis
Reagan	Wood

Absent

Fuller	Weinert
Smith	

House Bill 69 on Second Reading

Senator Ratliff moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 69 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Hardeman

Absent

Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 69, A bill to be entitled "An Act to authorize the commissioners court of Taylor County to purchase, build, construct, and equip buildings and other permanent improvements to be used as a coliseum and auditorium; authorizing the issuance of negotiable bonds for such purpose and the levy and collection of taxes for the payment thereof; and declaring an emergency."

The bill was read the second time.

Senator Ratliff offered the following amendment to the bill:

Amend House Bill No. 69 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. The Commissioners Court of any county in this State is hereby authorized to purchase, build, construct and equip buildings and other permanent improvements to be used as a coliseum and auditorium. Such building or buildings and other permanent improvements may be located in the county at such places as the Commissioners Court may determine and shall be paid for out of the County's Permanent Improvement Fund.

Sec. 2. To provide money for the purpose authorized in Section 1 of this Act, the Commissioners Court is hereby authorized to issue negotiable bonds of the county and to levy and collect taxes in payment thereof, the issuance of such bonds and the levy and collection of taxes to be in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, governing the issuance of bonds by cities, towns, and counties in this State.

Sec. 3. The fact that there is a great need in some counties for the buildings hereby authorized and the power to finance the construction of the same by the issuance of negotiable bonds creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was read.

Senator Hardeman raised the point of order that the amendment by Senator Ratliff was not germane to the caption of the bill.

The Presiding Officer (Senator Martin in the Chair) sustained the point of order.

Question—Shall H. B. No. 69 be passed to third reading?

Senator Hardeman raised the point of order that H. B. 69 violates Article III, Section 56, of the Constitution in that it names and applies only to a specific county and therefore comes

within the prohibition of that section of the Constitution.

The Presiding Officer (Senator Martin in the Chair) sustained the point of order.

Senate Resolution 86

Senator Rogers offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Mr. Rickey Collis and Mr. James Ray Wolford, outstanding Future Farmers of America members of Lockney, Texas, accompanied by their teacher and advisor, Mr. Melvin Burks; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 87

Senator Owen offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Frank Valdez, Carlos Irrobali, Angel Ortega, outstanding Future Farmers of America and Texas, accompanied by their teacher and sponsor, R. D. Clugston; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their

state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the guests as well as all other members of the FFA in the gallery to the Members of the Senate.

Senate Resolution 88

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate L. A. Douglas, of San Antonio; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Douglas to the Members of the Senate.

Senate Resolution 89

Senator Willis offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Vesta Burton, Maurine Perkins, Ruby Lee Henry and Muriel Keesee; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 6, Reserving space in the east wing of the State Capitol Building for the Senate and the west wing of the State Capitol Building for the House of Representatives.

(With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guests

Senator Parkhouse by unanimous consent presented Dr. Willis Tate, President of Southern Methodist University of Dallas to the Members of the Senate.

(Senator Hardeman in the Chair.)

Conference Committee Report on Senate Bill 9

Senator Baker submitted the following Conference Committee Report on S. B. No. 9:

Austin, Texas,
July 15, 1959.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 9, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BAKER
HUDSON
PARKHOUSE
REAGAN
PHILLIPS

On the part of the Senate.

SMITH of Hays
OLIVER
ECKHARDT
GLUSING
BASS

On the part of the House.

S. B. No. 9,

A BILL
TO BE ENTITLED

An Act affirming and protecting the right of the public use of certain State-owned beaches or such larger area extending from the line of mean low tide to the line of vegetation, in the event the public has acquired a right of use or easement to or over such area by prescription, dedication, or has retained a right by virtue of a continuous right in the public bordering on the seaward shore of the Gulf of Mexico; affirming and protecting rights of the public to beaches upon which the public has acquired a prescriptive right; defining terms; providing for a study committee; vesting authority to regulate such beach areas in the respective County Commissioners Courts subject to limitations of existing laws; stating certain prima facie presumptions; providing for severability, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. It is hereby declared and affirmed to be the public policy of this State that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico, or such larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, in the event the public has acquired a right of use or easement or over such area by prescription, dedication, or has retained a right by virtue of continuous right in the public.

It shall be an offense against the public policy of this State for any person, firm, corporation, association or other legal entity to create, erect or construct any obstruction, barrier, or restraint of any nature whatsoever which would interfere with the free and unrestricted right of the public, individually and collectively, to enter or to leave any State-owned beach bordering on the seaward shore of the Gulf of Mexico, or such larger area, extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, in the event the public has acquired a right of use or easement to or over such area by prescription, dedication, or

has retained a right by virtue of continuous right in the public.

It shall be an offense against the public policy of this State for any person, firm, corporation, association, or other legal entity to create, erect, or construct any obstruction, barrier or restraint which would interfere with the free and unrestricted right of the public, individually and collectively to the lawful and legal use of, any property abutting upon or contiguous to the State-owned beach bordering on the seaward shore of the Gulf of Mexico upon which the public has acquired a prescriptive right.

Be it provided, however, that nothing in this Act shall prevent any agency, department, institution, subdivision or instrumentality of this State or of the Federal Government from erecting or maintaining any groin, seawall, barrier, pass, channel, jetty or other structure as an aid to navigation, protection of the shore, fishing, safety or other lawful purpose authorized by the Constitution or Laws of this State or of the United States.

The requirements of free and unrestricted rights of ingress and egress over areas landward of the line of vegetation shall be deemed to be fully satisfied by access roads or ways, now existing and available to the public, or which by or with the approval of any governmental authority having jurisdiction, may be provided in the future.

Be it provided, further, that nothing in this Act shall be construed as in any way affecting the title of the owners of land adjacent to any State-owned beach bordering on the seaward shore of the Gulf of Mexico, or to the continuation of fences for the retention of livestock across sections of beach which are not accessible to motor vehicular traffic by public road or by beach.

Be it provided, further, that none of the provisions of this Act shall apply to the beaches on those islands or peninsulas that are not accessible by a public road or ferry facility, so long as such condition shall exist.

Section 2. In any actions brought or defended under this Act or whose determination is affected by this Act a showing that the area in question is embraced within the area from mean low tide to the line of vegetation shall be prima facie evidence that

(1) the title of the littoral owner

does not include the right to prevent the public from using the area for ingress and egress to the sea.

(2) there has been imposed upon the area subject to proof of easement a prescriptive right or easement in favor of the public for ingress and egress to the sea.

Section 3. Definitions.

a. The term "line of vegetation" means the extreme seaward boundary of natural vegetation which spreads continuously inland. In any area where there is no clearly marked vegetation line (as, for instance, a line immediately behind well-defined dunes or mounds of sand and at a point where vegetation begins) recourse shall be had to the nearest clearly marked line of vegetation on each side of such unmarked area to determine the elevation reached by the highest waves of the Gulf. The "line of vegetation" for the unmarked area shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side. In the event the elevation of the two points on each side of the area are not the same, then the extension defining the line reached by the highest waves of the Gulf shall be the average elevation as between the two points; provided, however, that where there is no clearly marked line of vegetation, such extended line shall in no event extend inland further than two hundred (200) feet from the seaward line of mean low tide. The "line of vegetation" shall not be affected by the occasional sprigs of salt-grass upon the mounds or dunes, or seaward from them, and shall not be affected by artificial fill, the addition or removal of turf, or by other artificial changes in the natural vegetation of the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artificially, then the line of vegetation shall be determined in the same manner as in those areas where there is otherwise no clearly marked "line of vegetation"; however, where there is a vegetation line consistently following a line more than two hundred (200) feet from the seaward line of mean low tide, this two hundred (200) foot line shall constitute the landward boundary of the area subject to public easement until such time as a final court adjudication shall establish this line in another place.

b. The term "highest waves" means

the highest swell of the surf with such regularity that vegetation is prevented, and does not refer to the extraordinary waves which temporarily extend above the line of vegetation during storms and hurricanes.

c. The term "beach" as used herein means that area subject to public use and easement as defined in Section 1.

d. "Person" as used herein includes natural persons, corporations and associations.

e. "Littoral owner" means the owner of land adjacent to the shore and includes anyone acting under the littoral owner's authority.

Section 4. Nothing herein shall in any way reduce, limit, construct or vitiate the definition of public beaches as defined from time immemorial in law and custom.

Section 5. The Attorney General, any County Attorney, District Attorney, or Criminal District Attorney of the State of Texas is hereby authorized and empowered, and it shall be his, or their, duty to file in the District Court of Travis County, Texas, or the county wherein such property is situated, actions seeking either temporary or permanent Court Orders or injunctions to remove any obstruction or barrier, or prohibit any restraint or interference, restricting the right of the public, individually or collectively, to free and unrestricted ingress and egress to and from the State-owned beaches, or such larger area, extending from the line of mean low tide to the line of vegetation, in the event the public has acquired a right to use or easement to or over such area by prescription, dedication, or has retained a right by virtue of continuous right in the public, or any property abutting upon or contiguous to the State-owned beach bordering on the Gulf of Mexico upon which the public has acquired a prescriptive right, and in such proceedings, the Attorney General, County Attorney, District Attorney, or Criminal District Attorney, shall also be empowered to bring an action seeking recovery of the costs of removing any obstruction or barrier if the same be removed by public authorities pursuant to any order of such court.

Section 6. Declaratory Judgment Suits. Any littoral owner whose rights may be determined or affected by this

Act shall be permitted to bring suit for a declaratory judgment against the State of Texas to try such issue or issues. Service of citation in such cases may be had by serving the Attorney General of Texas.

Section 7. Study Committee. Because of certain problems peculiar to the various beaches of Texas, a study committee is hereby authorized to study the development of those beaches. The committee shall be composed of three (3) Representatives to be appointed by the Speaker of the House of Representatives, three (3) Senators to be appointed by the Lieutenant Governor of the State, and, as ex-officio members, the Land Commissioner of the State of Texas, or a representative appointed by such Land Commissioner, the Chief Engineer of the Highway Department of the State of Texas, or a representative appointed by such Chief Engineer, and a representative of the Attorney General to be appointed by the Attorney General. The expense incurred by the legislative members of the Committee in performing their duty shall be payable one half out of the Contingent Expense Fund of the House and one half out of the Contingent Expense Fund of the Senate. Such interim committee shall examine into the special conditions prevailing as to the shore line in the various areas, and shall file its report to the Legislature, whether in Special or General Session, at the earliest time compatible with the performance of its duties. The report shall include recommendations for legislation, including the following subjects:

a. the most practical method of procuring the right-of-way necessary for construction of essential parallel highways and for vehicular parking areas (to facilitate access to the beach) all to be situated landward and above the beach;

b. method of procuring easements for egress and ingress between such parking areas and the beach;

c. procedure for negotiation and execution of cooperative agreements between the State and affected landowners for acquisition by gift or purchase of such rights-of-way and easements;

d. recognition of rights in such landowners to construct works, including groins, for the protection of their property and meeting the stand-

ards to be prescribed in such legislation;

e. method of negotiations with landowners for additional easements or deeds for park areas adjacent to the beach, for the use and pleasure of the public, provided such lands or easements can be obtained without cost to the State;

f. any change necessary to bring general legislation into conformity with the fixed procedures applicable to National Seashore Areas, to the extent that lands along the coast may be designated to a National Seashore Area; and

g. such other related matters as in the opinion of the interim committee should be included in such report so as to facilitate the development of Texas' beaches as public recreational areas and to further their development as a tourist attraction.

Section 8. The Commissioners Court of any county shall have, and is hereby granted, the authority to regulate motor vehicular traffic and the littering of such State-owned beaches, or such larger area, extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, in the event the public has acquired a right of use or easement to or over such area by prescription, dedication, or has retained a right by virtue of continuous right in the public, within the limits of said county. Such regulations may include the speed of motor vehicles in accordance with existing State laws and rules or regulations promulgated by the Texas Highway Commission, and the zoning of designated areas for non-vehicular traffic. The Commissioners Court may declare the violation of such regulations to be and the same shall be considered as a violation of this Act, and the Commissioners Court may prescribe civil penalties therefor not to exceed a penalty in the payment of Two Hundred Dollars (\$200.00) in money.

The right of the public to use the public beaches covered in this Act shall remain inviolate subject to the rules and regulations promulgated by the Commissioners Court having jurisdiction.

Section 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the

Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

Section 10. The fact that, over the centuries, the colonial government of Spain, Mexico, the Republic of Texas, and our Sovereign State have all held in trust for the people of Texas ownership of the beaches bordering on the seaward shore of the Gulf of Mexico; and this legal claim has been buttressed and reinforced by the fact that through long years of custom and usage, the people of Texas have acquired prescriptive rights to free and unrestricted use of such State beaches; and there is an urgent and imperative need to affirm the public policy of this State in regard to the right of the public to the free and unrestricted use and enjoyment of the State beaches bordering on and contiguous to the seaward shore of the Gulf of Mexico, creates an emergency and an imperative public necessity that the Consti-

tutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Votes

Senators Hardeman and Crump asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on S. B. No. 9.

Adjournment

On motion of Senator Aikin the Senate at 5:04 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

Record of Vote

Senator Colson asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
Dr. T. J. Manton

Senator Aikin offered the following resolution:

(Senate Resolution 71)

Whereas, God, in His infinite wisdom, has called from these earthly labors Dr. T. J. Manton; and

Whereas, Dr. Manton was born in Paris, Texas, where he spent his youth and received his early education, later receiving his Bachelor of Arts degree in absentia from Trinity University while serving as an Infantry Lieutenant in World War I, as well as his Doctor of Divinity degree some years later; and

Whereas, Dr. Manton had held pastorates in Chicago, Illinois, Hillsboro and Sherman, Texas, before moving to Dallas in 1931 to become Pastor of the Trinity Presbyterian Church; and

Whereas, He was recognized as one of the outstanding Presbyterian ministers in America and was loved and respected by all who knew him; and

Whereas, The Senate desires to pay tribute to the memory of this great and good man and extend sympathy to the members of his family in their great loss; Now, therefore, be it

Resolved, That this resolution be adopted by a rising vote and the Secretary of the Senate be instructed to forward copies to members of his family: two daughters, Mrs. Glyn Beesley of Dallas and Mrs. Newman Shell of Bartlesville, Oklahoma; two sons, Charles Manton and Thomas Jasper Manton, Jr. of Dallas; three sisters, Mrs. John Sparger of Dallas, Mrs. Helen Patterson of Eastland, and Mrs. Harry L. Baker of Paris; two brothers, Henry Manton of Dallas and Fred Manton of Paris, and that when the Senate adjourns today, it shall be out of respect to the memory of Dr. Jasper Manton.

AIKIN
PARKHOUSE

The resolution was read and was adopted by a rising vote of the Senate.